REMARKS

Claims 1 and 2-41 are active in the present application.

At the outset, Applicants wish to thank the Examiner for the indication that the previous claim objection, indefiniteness rejection, enablement rejection, and anticipation rejections over Matsueda et al, Etzkorn et al, and Saika et al (Claim 2 only) have been withdrawn (see Office Action dated April 20, 2004). Applicants also wish to thank the Examiner for the indication that the present amendments would overcome the rejection of Claims 1, 2, and 4-19 under 35 U.S.C. §112, first paragraph, and the rejection of Claims 1, 4, 8-11, and 16-19 under 35 U.S.C. §102(b) over Saika et al (see page 2 of the Advisory Action dated August 24, 2004). For the Examiner's convenience and for completion of the record, Applicants reproduce the following comments in traverse of the new matter rejection and the rejection over Saika et al. Applicants also request withdrawal of the indefiniteness rejection in view of the amendments above.

The rejection of Claims 1, 4, 8-11 and 16-19 under 35 U.S.C. §102(b) over Saika et al is obviated by amendment.

The Examiner has maintained that Example 21, page 50, of Saika et al discloses a compound within the scope of the claimed invention (i.e., formula (1)). It is the Examiner's position that the compound of Example 21, N-(2-naphthoyl)-N-methyl-D-phenylalanyl-L-tryptophan, meets the structural criteria of the claimed peptide because when n is 0 2-naphthyl-C(=O) is 2-naphthyl. Accordingly, the compound of Example 21, (N-(2-naphthoyl)-N-methyl-(D)-phenylalanyl-(L)-tryptophan), has the following substituents described in the context of formula (1):

Ar	Unsubstituted naphthyl	X^3	NR^{10}
n	0	R^{10}	H
R^2	CH_3	m	1
R^3	H	R^7	L-tryptophan side chain
R^4	D-phenylalanine side chain	R^8	H
X^2	Single bond	X^4	O
R^5	Formula (2)	R^9	H

Applicants note that this compound is distinct from the claimed peptide in that Claim 1 defines the class of claimed peptides where n is 0 and does not claim tryptophan as an alternative at the R^7 position. Moreover, at no point does Saika et al disclose or suggest a peptide within the scope of the claimed invention where n is 1 (see Claim 24).

The standard for determining anticipation requires that the reference "must teach every element of the claim" (MPEP §2131). Therefore, the failure of Saika et al to specifically disclose or suggest a peptide within the scope of the claimed invention would necessarily make this reference fail to anticipate the claimed invention.

Withdrawal of this ground of rejection is requested.

Applicants wish to further note that Etzkorn et al does not affect the patentability of the currently claimed invention, even in view of the removal of the previously inserted proviso, for the following reason.

Etzkorn et al was cited by the Examiner as disclosing a single compound within the scope of the originally claimed invention (compound 17 appearing on page 10416). Compound 17 disclosed by Etzkorn et al have the following substituents described in the context of formula (1):

Ar	Unsubstituted naphthyl	X^2	Single bond
X^1	CH_2	X^3	NR^{10}
n	1	R^{10}	H
R^1	H	m	1
R^6	NHY	R^7	Tyrosine side chain
Y	Acetyl	R^8	H
R^2	H	X^4	O
R^3	H	R^9	CH_3
R^4	C_3-guanidinoalkyl		

Applicants note that this compound is distinct from the claimed peptide in that Claim 24 defines the class of claimed peptides where n is 1 and does not claim tyrosine as an alternative at the R^7 position. Moreover, at no point does Etzkorn et al disclose or suggest a peptide within the scope of the claimed invention where n is 0 (see Claim 1).

The standard for determining anticipation requires that the reference "must teach every element of the claim" (MPEP §2131). Therefore, the absence of any disclosure by Etzkorn et al of a compound within the scope of formula (1), would necessarily make this reference fail to anticipate the present invention and, thus, fail to effect the patentability of the claimed invention.-

The rejection of Claims 1-19 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

The Examiner has rejected Claims 1-19 asserting that the limitation "X^2 Absent" lacks sufficient antecedent basis. Applicants have deleted this text from the claim and, therefore, this ground of rejection is no longer believed to be tenable. In regard to the Examiner's rejection of the claims presented on July 20, 2004 (unentered), Applicants note that the Claim 1 and claims dependent therefrom have been amended to replace the work "peptide" with

"compound." As such, this criticism by the Examiner is no longer valid. In addition, Applicants have amended Claim 3 to depend from Claim 24 to ensure proper antecedent basis.

In view of the foregoing comments and the amendments presented herein, Applicants request withdrawal of this ground of rejection.

The objection to the amendment filed on January 26, 2004 as introducing new matter and the rejection of Claims 1, 24, and 4-19 under 35 U.S.C. §112, first paragraph (written description) are obviated by amendment.

The Examiner has objected to the introduction of the proviso as introducing new matter and/or not being described in the specification as filed. Although Applicants do not acquiesce to this assertion by the Examiner, Applicants note that Claim 1 has been amended to remove the proviso and as such this objection and rejection are no longer applicable.

Withdrawal of this ground of objection and the written description rejection is requested.

Applicants submit that the present application is now in condition for allowance.

Early notification of such action is earnestly solicited.

Respectfully submitted,

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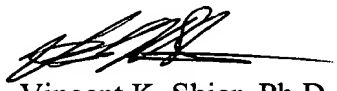

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